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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,700	09/22/2000	Joachim Kim	44400.010100	2337
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JLB CONSULTING, INC. c/o INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER USTARIS, JOSEPH G	
			ART UNIT	PAPER NUMBER
			2424	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/668,700

Applicant(s)

KIM, JOACHIM

Examiner

JOSEPH G. USTARIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2008 has been entered.

Response to Arguments

2. The objection to claim 75 is now withdrawn in view of the amendments.

Applicant's arguments filed December 4, 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 75-78 that Ottesen and Jain does not disclose receiving unspecified media content and enabling random retrieval of stored media content. However, reading the claims in the broadest sense, Ottesen does disclose those limitations in the claims. Ottesen discloses that the multimedia programs received by the server is unspecified media content (e.g. the received multimedia program have no specified storage address yet) (See col. 7 lines 25-67, col. 8 lines 18-28, and col. 8 line 65 – col. 9 line 4). Furthermore, Ottesen discloses random retrieval of stored media content based upon said media content identifier (See Fig. 3; col. 9 line 60

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– col. 10 line 10 and col. 10 lines 45-65; wherein the system can retrieve video segments as non-sequential video segments).

Applicant also argues that the combination of Jain and Ottesen would render the system of Ottesen inoperative. The examiner respectfully disagrees. Both Ottesen and Jain disclose various methods of retrieving content. Adding the features disclosed by Jain would not render Ottesen inoperative but would improve the retrieval process of Ottesen. Ottesen's retrieval process relied on physical addresses to retrieve content; therefore the system can only rely on address information to successfully retrieve content. Jain system offers improvements to the retrieval process, wherein the system doesn't solely rely on address information. As discussed below in the rejection, Jain's system enables retrieval of content based on descriptions of the content, not solely on address information. Therefore, the combination of Ottesen and Jain gives the user the ability to find the user's desired piece of video instantly and effortlessly using descriptions (e.g. metadata) (See Jain col. 1 lines 46-62).

Applicant also argues that Ottesen nor Jain describe how to retrieve media content in response to receiving a description of stored media content to be retrieved. However, it is noted that Jain does meet that limitation in the claims. Jain discloses that the system retrieves the store media content in response to receiving a description of stored media content to be retrieved (See Figs. 6 and 7; abstract, col. 1 lines 46-62, and col. 2 lines 8-30; the user uses the metadata to access any segment of the video).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottesen et al. (US005930493A) in view of Jain et al. (US006360234B2).

Regarding claim 75, Ottesen et al. (Ottesen) discloses a transformer (See Fig. 3, 30) comprising:

a converter (See Fig. 3, 33) including an input for receiving unspecified media content (e.g. multimedia programs; wherein the received multimedia program have no specified storage address yet) (See col. 7 lines 25-67, col. 8 lines 18-28, and col. 8 line 65 – col. 9 line 4), said converter providing:

at least one media block (video segment) comprising at least a portion of said media content (See Figs. 5 and 6; col. 9 lines 25-45), and

at least one media content identifier (unique segment address) (See col. 9 line 60 – col. 10 line 10);

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a storage managing unit (See Fig. 3, 40) coupled to said converter to receive said at least one media block and media content identifier,

said storage managing unit providing a storage address (address table) for said at least one media block (See col. 10 lines 1-3);

a translator (See Fig. 3, 40; wherein the unit 40 serves the function of the translator) configured to relate said storage address to said media content identifier (e.g. mapping the physical storage location to the unique segment address) (See col. 9 line 60 – col. 10 line 10);

said transformer thereby enabling random retrieval of stored media content based upon said media content identifier (See Fig. 3; col. 9 line 60 – col. 10 line 10 and col. 10 lines 45-65; wherein the system can retrieve video segments as non-sequential video segments).

However, Ottesen does not explicitly disclose that the media content identifier comprises a description of content of said at least one media block and that the transformer retrieves the store media content in response to receiving a description of stored media content to be retrieved.

Jain et al. (Jain) discloses a video cataloger system that is able to store and retrieve videos. Jain discloses a media content identifier (e.g. digital video asset ID) that comprises a description of content of said at least one media block (See Figs. 6 and 7; e.g. metadata that describes the content associated with the digital video asset ID) (See col. 5 line 51 – col. 7 line 18) and that the transformer retrieves the store media content in response to receiving a description of stored media content to be retrieved (See Figs.

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6 and 7; abstract, col. 1 lines 46-62, and col. 2 lines 8-30; the user uses the metadata to access any segment of the video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ottesen to have the media content identifier also include a description of content of said at least one media block and have the transformer retrieve the store media content in response to receiving a description of stored media content to be retrieved, as taught by Jain, in order to provide the user the ability to find the user's desired piece of video instantly and effortlessly using descriptions (e.g. metadata) (See col. 1 lines 46-62).

Regarding claim 76, said converter (See Ottesen Fig. 3, 33) input is coupled to at least one encoder (See Ottesen Fig. 3, 32) providing encoded digital media content (See Ottesen col. 7 lines 25-67 and col. 9 lines 26-30) from a digital media source (See Jain col. 3 lines 48-52; Jain discloses digital media sources, e.g. digital tape deck and laser disc player), said transformer enabling retrieval of media blocks based on said associated media content identifiers regardless of encoder output format (See Jain col. 5 lines 52-63; the encoders encodes the video and provides the system with digital video asset ID. The cataloger is generic with respect to the encoding therefore the system is able to retrieve the video based on the digital video asset ID and metadata regardless of the encoding used by the encoder).

Regarding claim 77, said media content identifier comprises metadata (See Jain Figs. 6 and 7; col. 5 line 51 – col. 7 line 18) selected from the group comprising start

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time (See Jain col. 5 line 62), end time, program (See Jain col. 6 line 56; title), availability, and duration.

Regarding claim 78, wherein at least one of said portions of media content comprises a single frame (e.g. keyframe 340, 342, 344, etc.) of said media content and wherein said single frame is retrievable from storage based on said associated media content identifier (See Jain Figs. 6 and 7; abstract, col. 1 lines 46-62, col. 2 lines 8-30, and col. 5 line 51 – col. 7 line 18; the user is able to retrieve the keyframe using the digital video asset ID and metadata).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424